

COURT PROCEDURES
MARVIN ISGUR
UNITED STATES BANKRUPTCY JUDGE

1. Applicable Rules.

Practice in this Court will be governed by the Federal Rules of Bankruptcy Procedure, the Local Rules of the United States Bankruptcy Court for the Southern District of Texas, and these Court Procedures.

All parties appearing before the Court are charged with responsibility for compliance with applicable rules.

2. Contact with Court and Court Personnel.

Communications with the Court should be in the form of pleadings filed with the clerk of the Court. Attorneys and parties who are not represented by counsel may contact the Court's case manager: **Anita Ainsworth** at **Anita_Ainsworth@txs.uscourts.gov** or **(713) 250-5421**. If Ms. Ainsworth is out of the office and you have an emergency, please contact the courtroom deputy: **Edmund Dieth** at **Edmund_Dieth@txs.uscourts.gov** or **(713) 250-5657**. Directing routine questions to the Courtroom Deputy may result in further delay as these are usually forwarded to the Case Manager.

Contact with Judge Isgur and his law clerks, other than by pleadings, is strictly prohibited. Letters and telephone calls to chambers are prohibited.

Courtesy copies and other communications by mail should be directed to the case manager, Anita Ainsworth, at: **U.S. Bankruptcy Court, ATTENTION: Anita Ainsworth, Bob Casey U.S. Courthouse, 515 Rusk, Houston, TX 77002**. Sending communications through chambers may delay the process.

The case manager and courtroom deputy are unable to answer CM/ECF filing questions. Please contact the Helpdesk at (866) 358-6201 for technical assistance, including login problems, blank screens, attachments, errors in document filings, etc.

Transcripts may be requested from the Electronic Recording Office at (713) 250-5404. Please contact the ERO to request both paper and compact disc transcripts. The case manager cannot take transcript orders.

3. Attendance at Hearings.

Unless otherwise set forth in the local rules, these procedures, or an order by this Court, a person with authority to bind the client must attend each hearing. For parties represented by an attorney, this will generally be an attorney with full authority to act on the matter before the Court. If a client represented by counsel does not give full authority to the counsel who will appear, a

representative of the client with full authority on the matter to be considered should accompany the counsel to the hearing.

4. Obtaining Settings for Hearings.

Hearings will be set in one of the following ways:

a. Hearings may be set by self-calendaring in the electronic filing system (CM/ECF). When a motion is filed in the Court's electronic filing system, the system will prompt the selection of a date for a hearing. Only a date that is listed as an available date on the Court's website should be selected. *If you do not need a hearing, this step may be skipped.* Routinely, only opposed motions need to be set for a hearing. All motions for relief from stay (§ 362), however, must be set for a hearing.

b. If a date is not selected through the self-calendaring system and the Court is unable to rule without a hearing, the Court will direct the clerk to set a hearing.

c. If the Court has not ruled on a motion within 45 days, parties should contact the Case Manager to inquire about the status of the motion. Absent emergency consideration and few exceptions (i.e. motion for continuance, motion to use cash collateral, etc.), motions are not considered until at least 23 days after submission, and are frequently not ruled on for another 10 days. Please wait at least 33 days after submission before contacting the Case Manager.

5. Continuances.

A continuance can only be requested by motion. The Court may deny a continuance even if all parties have agreed to the continuance.

6. Telephonic Participation.

The Court utilizes a "Meet Me line" for telephonic participation. Parties are always permitted to participate by telephone without any permission or notification to the Court except in the following instances:

- a.** Chapter 13 panel hearings;
- b.** Witnesses may not be presented by telephone and witnesses may not be examined by telephone;
- c.** Parties may not participate by cell phone.

Parties participating by speakerphone must assure that no background noise is transmitted. Accordingly, no typing, intercom announcements, or other interruptions should occur. If such interruptions are unavoidable, then speakerphone usage is not permitted.

Please be aware that many telephones play music when a call is put on hold. Parties participating by telephone must ensure that the phone is never placed on hold while connected to the courtroom.

If a technological problem arises, the hearing will continue without the participation of telephonic participants. The Court will not delay hearings for signal problems or interference. Accordingly, persons choosing to attend a hearing by telephone do so at their own risk of a technological failure.

In the event of an emergency hearing, the Court may allow some leeway with respect to the presentation and examination of witnesses by telephone.

The dial-in telephone number is (713) 250-5108. When a party calls this number, the phone rings until the line connects. When the phone stops ringing you are connected to the courtroom. You may hear complete silence, background noise, or another hearing taking place at that time. There will be no other indication that you are connected. Please ensure that the line is silent until appearances are requested in your case.

7. Fee Applications in cases under chapter 7.

Applications for compensation and reimbursement in cases under chapter 7 shall contain the following information. If additional information is required, the Court will request a supplement:

- A. A table containing the following information, which shall begin on the first page of the application:

Name of applicant		
Applicant's professional role in case (e.g., "Trustee's counsel")		
Indicate whether this is an interim or a final application		
Effective date of Order approving professional's retention		
	Beginning of Period	Ending of Period
Time period covered in application		
Time periods covered by any prior applications		
Total amounts awarded in all prior applications		
Amount of retainer received in case		
Total fees applied for in this application and in all prior applications (including any retainer amounts applied or to be applied)		
Total fees applied for in this application (including any retainer amounts to be applied)		
Total professional fees requested in this application		
Total professional hours covered by this application		
Average hourly rate for professionals		
Total paraprofessional fees requested in this application		

Total paraprofessional hours covered by this application	
Average hourly rate for paraprofessionals	
Reimbursable expenses sought in this application	
Expected amount of dividend to be paid to unsecured creditors	
Expected percentage dividend to be paid to unsecured creditors	
Expected amount to be paid to all pre-petition creditors	

B. Attached copies of all fee statements.

C. If total fees and expenses for applicant from this and all prior applications exceed \$2,000, a narrative description of the services performed and the benefits of those services.

D. A proposed form of order.

8. Fee Applications in cases under chapters 11 or 12.

Applications for compensation and reimbursement in cases under chapters 11 or 12 shall contain the following information. If additional information is required, the Court will request a supplement:

A. A table containing the following information, which shall begin on the first page of the application:

Name of applicant		
Applicant's professional role in case (e.g., "Debtor's counsel")		
Indicate whether this an interim or a final application		
Effective date of order approving professional's retention		
	Beginning of Period	Ending of Period
Time period covered in application		
Time periods covered by any prior applications		
Total amounts awarded in all prior applications		
Amount of retainer received in case		
Total fees applied for in this application and in all prior applications (including any retainer amounts applied or to be applied)		
Total fees applied for in this application (including any retainer amounts to be applied)		
Total professional fees requested in this application		
Total professional hours covered by this application		
Average hourly rate for professionals		
Total paraprofessional fees requested in this application		
Total paraprofessional hours covered by this application		
Average hourly rate for paraprofessionals		

Reimbursable expenses sought in this application	
If a plan has been proposed, total to be paid to unsecured creditors under the plan	
If a plan has been proposed, percentage dividend to unsecured creditors under the plan	
If a plan has been proposed, total to be paid to all pre-petition creditors under the plan	
Date of confirmation hearing	
Indicate whether plan has been confirmed	

- B. Attached copies of all fee statements.
- C. If total fees and expenses for applicant from this and all prior applications exceed \$2,000, a narrative description of the services performed and the benefits of those services.
- D. A proposed form of order.

9. Fee Applications in cases under chapter 13.

Pursuant to the local rules on fee applications, approved *fixed fee applications* do not require the filing of subsequent applications. Otherwise, applications for compensation and reimbursement in cases under chapter 13 shall contain the following information. If additional information is required, the Court will request a supplement:

- A. A table containing the following information, which shall begin on the first page of the application:

Name of applicant		
Applicant's professional role in case (e.g., "Debtor's counsel")		
Indicate whether this is an application for pre or post confirmation services		
	Beginning of Period	Ending of Period
Time period covered in application		
Time periods covered by any prior applications		
Total amounts awarded in all prior applications		
Amount of retainer received in case		
Total fees applied for in this application and in all prior applications (including any retainer amounts applied or to be applied)		
Total fees applied for in this application (including any retainer amounts to be applied)		
Total professional fees requested in this application		
Total actual professional hours covered by this application		
Average hourly rate for professionals		
Total paraprofessional fees requested in this application		
Total actual paraprofessional hours covered by this application		

Average hourly rate for paraprofessionals	
Reimbursable expenses sought in this application	
Amount of attorneys fees provided for in plan	
Total to be paid to unsecured creditors under the plan	
Percentage dividend to unsecured creditors under the plan	
Total to be paid to all pre-petition creditors under the plan	
Date of any scheduled dismissal hearing	
Date of confirmation hearing	
Indicate whether plan has been confirmed	

- B. Attached copies of all fee statements.
- C. A narrative description of the services performed and the benefits of those services.
This narrative is required regardless of the amount of fees sought.
- D. A proposed order containing the following decretal paragraph:

“It is ordered that [name of applicant], is awarded fees and costs as an administrative expense for the period _____ through _____ as follows:

Fees:	\$ _____
Expenses:	\$ _____
Total:	\$ _____ ” _____

10. Discovery Disputes.

Discovery disputes that cannot be resolved between the parties should ordinarily be submitted by written motion. However, if a dispute arises during an oral deposition, a party may contact the Court's case manager during the deposition and request a telephonic hearing with the Court.

The Court intends to enforce Federal Rule of Civil Procedure 37 as made applicable to proceedings in this Court by Federal Rule of Bankruptcy Procedure 7037.

11. Settlements.

Settlements are always encouraged. If a case is settled, the parties should promptly contact the Court's case manager. The proposed settlement should be presented in the form of a written order at the scheduled hearing. If the proposed settlement has been approved in writing by all parties, then only one counsel is required to attend the hearing, though all interested parties are invited to attend. If the Court does not approve of the proposed settlement, the hearing will be reset for a subsequent date.

However, if a settlement is submitted and signed by the Court prior to the hearing, the hearing will most likely be canceled. Only when an order is signed and docketed should it be assumed that the hearing will be canceled.

If a settlement is in an adversary proceeding and requires approval pursuant to Federal Rule of Bankruptcy Procedure 9019, the 9019 motion should be filed in the main case only. A proposed form of order in the main case and a proposed form of judgment or order in the adversary proceeding should be attached to the 9019 motion.

12. Proposed Orders.

Proposed forms of orders must be submitted along with all motions and with all oppositions to motions.

Please consult the revised local rules in the Southern District of Texas regarding the treatment of proposed agreed orders.

Parties may only request that a signed order be amended through filing a *motion to amend*. Merely submitting a proposed amended order is insufficient. The motion to amend should be filed with the proposed amended order. These will then be submitted to chambers following the 23 day submission period.

13. Courtesy Copies.

Please deliver courtesy copies of chapter 13 and chapter 11 fee applications, motions for summary judgment, briefs, and other voluminous pleadings to: Anita Ainsworth. A Bankruptcy Case Manager box is located at the Intake Desk on the 1st Floor. All courtesy copies delivered by hand should be placed in this box. The box is emptied by a bankruptcy case manager and delivered to the appropriate person.

14. Courtroom Technology.

The Courtroom is equipped with technology that will allow parties to broadcast exhibits and other documents to opposing parties, witnesses and the Court from the display output on most laptop computers. Paper copies of exhibits may also be broadcast from a document projector located in the courtroom—*however, 3 paper copies are still required by the Court prior to the hearing*. The Court will accept proposed forms of orders on compact disc (CD), digital video disc (DVD), or on a universal serial bus (USB) memory storage device.

Parties may also broadcast video from a laptop computer to monitors throughout the courtroom. However, at this time the courtroom is not equipped with speakers. Parties must bring their own speakers if they wish to broadcast from a laptop with sound. The courtroom is also equipped to display a VHS on a television monitor. The speakers on the television monitor may be utilized and no additional speakers are necessary for use with the television.

The courtroom is equipped with wireless internet access (WiFi). Instructions for utilizing this technology are available outside the courtroom and on the Court's website.

Any additional technology requirements must be arranged on adequate advance notice with the case manager or courtroom deputy.

Parties are strongly encouraged to utilize the technology available in the courtroom. If parties would be more comfortable testing the broadcast or other technology prior to the hearing or trial, please confer with the courtroom deputy and be mindful of the Court's schedule. Time permitting, the courtroom deputy will help parties test equipment if requested, but interruption of another proceeding is not permitted.